

AMENDED IN SENATE MARCH 20, 2003

SENATE BILL

No. 190

Introduced by Senator Scott

February 12, 2003

An act to *amend Sections 12126, 12130, and 12132 of, and to add Article 4.7 (commencing with Section 12089) to Chapter 1 of Title 2 of Part 4 of the Penal Code, relating to firearms.*

LEGISLATIVE COUNSEL'S DIGEST

SB 190, as amended, Scott. Firearms: chamber load indicators and magazine disconnect mechanisms.

Existing law generally regulates the transfer and possession of firearms. Existing law also requires that firearms dealers be licensed.

This bill would require that, effective January 1, 2005, all semiautomatic pistols manufactured in this state or imported into this state for sale include a chamber load indicator that indicates to a person who is unfamiliar with the operation of the semiautomatic pistol that a cartridge is in the firing chamber and, if the semiautomatic pistol has a detachable magazine, a magazine disconnect mechanism. This bill would also prohibit, effective January 1, 2005, a licensed firearms dealer from selling, leasing, or transferring a semiautomatic pistol manufactured after January 1, 2005, if it does not have a chamber load indicator and, if the semiautomatic pistol has a detachable magazine, a magazine disconnect mechanism. This bill would further provide for specified exemptions from these requirements.

This bill would provide that a violation would be punishable by a fine of \$1,000. A 2nd violation would be punishable by a fine of \$1,000 and would render a licensed manufacturer or a licensed California dealer ineligible to manufacture or sell firearms for 30 days in this state. A 3rd

violation would render a licensed manufacturer or a licensed California dealer permanently ineligible to manufacture or sell firearms in this state.

By creating a new crime this bill would impose a state-mandated local program.

Existing law defines “unsafe handgun” in regard to pistols based on certain criteria.

This bill would, in addition, commencing January 1, 2007, include within the definition of an unsafe handgun, a center-fire semiautomatic pistol that does not have a chamber load indicator that is plainly visible in a contrasting color that clearly indicates to a person who is unfamiliar with the operation of a semiautomatic pistol that a cartridge is in the firing chamber. The bill would also, commencing January 1, 2007, include within the definition of an unsafe handgun, a pistol that has a detachable magazine, and that does not have a magazine disconnect mechanism that prevents the pistol from operating to strike the primer of ammunition in the firing chamber when a detachable magazine is not inserted in the pistol.

By expanding the definition of “unsafe handgun,” the manufacture, sale, and other specified transfer of which is a crime, this bill would expand the scope of an existing crime, and thereby impose a state-mandated local program.

Existing law requires handguns to be submitted for testing to determine if they are unsafe handguns, as specified.

This bill would provide that commencing January 1, 2005, no center-fire semiautomatic pistol would be allowed to be submitted for that testing if it did have a chamber load indicator, and no pistol that has a detachable magazine would be allowed to be submitted for that testing if the pistol does not have a magazine disconnect mechanism, as specified.

Existing law provides that, subject to exceptions, any person who manufactures, causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends any unsafe handgun is punishable by imprisonment in a county jail not exceeding one year.

This bill would add to existing exceptions to those provisions, the sale, loan, or transfer of any semiautomatic pistol that is to be used solely as a prop during the course of a motion picture, television, or video production by an authorized participant, as specified.



The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 4.7 (commencing with Section 12089) is added to Chapter 1 of Title 2 of Part 4 of the Penal Code, to read:

Article 4.7. Chamber Load Indicators and Magazine
Disconnect Mechanisms

12089. (a) Commencing January 1, 2005, no person in this state shall manufacture or cause to be manufactured, or import into the state for sale, a semiautomatic pistol that does not have a chamber load indicator and, if the semiautomatic pistol has a detachable magazine, a magazine disconnect mechanism.

(b) Commencing January 1, 2005, no person required to be licensed pursuant to Section 12071 shall sell, lease, or transfer any semiautomatic pistol manufactured after that date that does not have a chamber load indicator and, if the semiautomatic pistol has a detachable magazine, a magazine disconnect mechanism.

(c) As used in this article, “chamber load indicator” means a plainly visible device in a contrasting color that clearly indicates to a person who is unfamiliar with the operation of a semiautomatic pistol that a cartridge is in the firing chamber.

(d) As used in this article, a “magazine disconnect mechanism” means a mechanism that prevents a semiautomatic pistol from operating to strike the primer of ammunition in the firing chamber when a detachable magazine is not inserted in the semiautomatic pistol.

(e) As used in this article, a “semiautomatic pistol” means a pistol, as defined in subdivision (a) of Section 12001, the operating mode of which uses the energy of the explosive in a fixed cartridge

1 to extract a fired cartridge and chamber a fresh cartridge with each
2 single pull of the trigger.

3 (f) A violation of this section is punishable by a fine of one
4 thousand dollars (\$1,000). On conviction for the second violation
5 of this section, the person shall be ineligible to manufacture, or the
6 licensed firearm dealer shall be ineligible to sell, firearms in this
7 state for 30 days, and shall be punished by a fine of one thousand
8 dollars (\$1,000). On the third violation of any of this section, a
9 firearm manufacturer shall be permanently ineligible to
10 manufacture firearms in this state. On the third violation of this
11 section, a licensed firearm dealer shall be permanently ineligible
12 to sell firearms in this state.

13 (g) This article shall not apply to any of the following:

14 (1) The importation, sale, or transfer of semiautomatic pistols
15 defined as curios or relics by Section 178.11 of Title 27 of the Code
16 of Federal Regulations.

17 (2) The importation for sale to, manufacture for, sale to, or
18 purchase of a semiautomatic pistol by any state, federal or local
19 agency, including the Department of Justice, police departments,
20 sheriffs' offices, any marshal's office, the Youth and Adult
21 Correctional Agency, the California Highway Patrol, any district
22 attorney's office, Department of Fish and Game, Department of
23 Parks and Recreation, and the military or naval forces of this state
24 or of the United States in which personnel are authorized to carry
25 and do carry a firearm in the course of their official duties for use
26 in the discharge of their official duties. Nor shall anything in this
27 section prohibit the possession of any semiautomatic pistol by
28 sworn members of these agencies, whether the sworn member is
29 on or off duty, or by an individual who is retired from service with
30 a law enforcement agency and who is not otherwise prohibited
31 from possessing a semiautomatic pistol upon his or her retirement.

32 (3) The sale, loan, or transfer of any semiautomatic pistol
33 pursuant to Section 12082 or 12084 in order to comply with
34 subdivision (d) of Section 12072.

35 (4) The sale, loan, or transfer of any semiautomatic pistol that
36 is exempt from the provisions of subdivision (d) of Section 12072
37 pursuant to Section 12078 if the sale, loan, or transfer complies
38 with the requirements of that exemption.

(5) The delivery of a semiautomatic pistol to a person licensed pursuant to Section 12071 for service or repair of that semiautomatic pistol.

(6) The return of a semiautomatic pistol by a person licensed pursuant to Section 12071 to its owner where that semiautomatic pistol was initially delivered to that licensee for the purpose of a consignment sale or as collateral for a pawnbroker loan.

(7) The sale, loan, or transfer of any semiautomatic pistol that is to be used solely as a prop during the course of a motion picture, television, or video production by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.

SEC. 2. *Section 12126 of the Penal Code is amended to read:*

12126. As used in this chapter, “unsafe handgun” means any pistol, revolver, or other firearm capable of being concealed upon the person, as defined in subdivision (a) of Section 12001, for which any of the following is true:

(a) For a revolver:

(1) It does not have a safety device that, either automatically in the case of a double-action firing mechanism, or by manual operation in the case of a single-action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge.

(2) It does not meet the firing requirement for handguns pursuant to Section 12127.

(3) It does not meet the drop safety requirement for handguns pursuant to Section 12128.

(b) For a pistol:

(1) It does not have a positive manually operated safety device, as determined by standards relating to imported guns promulgated by the federal Bureau of Alcohol, Tobacco, and Firearms.

(2) It does not meet the firing requirement for handguns pursuant to Section 12127.

(3) It does not meet the drop safety requirement for handguns pursuant to Section 12128.

(4) *Commencing January 1, 2007, for a center-fire semiautomatic pistol, it does not have a “chamber load indicator” that is plainly visible in a contrasting color that clearly indicates*

1 to a person who is unfamiliar with the operation of a
2 semiautomatic pistol that a cartridge is in the firing chamber.

3 (5) Commencing January 1, 2007, if the pistol has a detachable
4 magazine, and does not have a magazine disconnect mechanism
5 that prevents the pistol from operating to strike the primer of
6 ammunition in the firing chamber when a detachable magazine is
7 not inserted in the pistol.

8 SEC. 3. Section 12130 of the Penal Code is amended to read:

9 12130. (a) Any pistol, revolver, or other firearm capable of
10 being concealed upon the person manufactured in this state,
11 imported into the state for sale, kept for sale, or offered or exposed
12 for sale, shall be tested within a reasonable period of time by an
13 independent laboratory certified pursuant to subdivision (b) to
14 determine whether that pistol, revolver, or other firearm capable
15 of being concealed upon the person meets or exceeds the standards
16 defined in Section 12126.

17 (b) On or before October 1, 2000, the Department of Justice
18 shall certify laboratories to verify compliance with the standards
19 defined in Section 12126. The department may charge any
20 laboratory that is seeking certification to test any pistol, revolver,
21 or other firearm capable of being concealed upon the person
22 pursuant to this chapter a fee not exceeding the costs of
23 certification.

24 (c) The certified testing laboratory shall, at the manufacturer's
25 or importer's expense, test the firearm and submit a copy of the
26 final test report directly to the Department of Justice along with a
27 prototype of the weapon to be retained by the department. The
28 department shall notify the manufacturer or importer of its receipt
29 of the final test report and the department's determination as to
30 whether the firearm tested may be sold in this state.

31 (d) (1) Commencing January 1, 2005, no center-fire
32 semiautomatic pistol may be submitted for testing pursuant to this
33 chapter if it does not have a "chamber load indicator" that is
34 plainly visible in a contrasting color that clearly indicates to a
35 person who is unfamiliar with the operation of a semiautomatic
36 pistol that a cartridge is in the firing chamber.

37 (2) Commencing January 1, 2005, no pistol may be submitted
38 for testing pursuant to this chapter if it has a detachable magazine,
39 and does not have a magazine disconnect mechanism that prevents
40 the pistol from operating to strike the primer of ammunition in the

1 *firing chamber when a detachable magazine is not inserted in the*
2 *pistol.*

3 SEC. 4. Section 12132 of the Penal Code is amended to read:

4 12132. This chapter shall not apply to any of the following:

5 (a) The sale, loan, or transfer of any firearm pursuant to Section
6 12082 or 12084 in order to comply with subdivision (d) of Section
7 12072.

8 (b) The sale, loan, or transfer of any firearm that is exempt from
9 the provisions of subdivision (d) of Section 12072 pursuant to any
10 applicable exemption contained in Section 12078, if the sale, loan,
11 or transfer complies with the requirements of that applicable
12 exemption to subdivision (d) of Section 12072.

13 (c) The sale, loan, or transfer of any firearm as described in
14 paragraph (3) of subdivision (b) of Section 12125.

15 (d) The delivery of a pistol, revolver, or other firearm capable
16 of being concealed upon the person to a person licensed pursuant
17 to Section 12071 for the purposes of the service or repair of that
18 firearm.

19 (e) The return of a pistol, revolver, or other firearm capable of
20 being concealed upon the person by a person licensed pursuant to
21 Section 12071 to its owner where that firearm was initially
22 delivered in the circumstance set forth in subdivision (d).

23 (f) The return of a pistol, revolver, or other firearm capable of
24 being concealed upon the person by a person licensed pursuant to
25 Section 12071 to its owner where that firearm was initially
26 delivered to that licensee for the purpose of a consignment sale or
27 as collateral for a pawnbroker loan.

28 (g) The sale, loan, or transfer of any pistol, revolver, or other
29 firearm capable of being concealed upon the person listed as a
30 curio or relic, as defined in Section 178.11 of the Code of Federal
31 Regulations.

32 (h) (1) The Legislature finds a significant public purpose in
33 exempting pistols that are designed expressly for use in Olympic
34 target shooting events. Therefore, those pistols that are sanctioned
35 by the International Olympic Committee and by USA Shooting,
36 the national governing body for international shooting
37 competition in the United States, and that are used for Olympic
38 target shooting purposes at the time that the act adding this
39 subdivision is enacted, and that fall within the definition of
40 “unsafe handgun” pursuant to paragraph (3) of subdivision (b) of

1 Section 12126 shall be exempt, as provided in paragraphs (2) and
2 (3).

3 (2) This chapter shall not apply to any of the following pistols,
4 because they are consistent with the significant public purpose
5 expressed in paragraph (1):

6			
7	MANUFACTURER	MODEL	CALIBER
8	ANSCHUTZ	FP	.22LR
9	BENELLI	MP90	.22LR
10	BENELLI	MP90	.32 S&W LONG
11	BENELLI	MP95	.22LR
12	BENELLI	MP95	.32 S&W LONG
13	DRULOV	FP	.22LR
14	GREEN	ELECTROARM	.22LR
15	HAMMERLI	100	.22LR
16	HAMMERLI	101	.22LR
17	HAMMERLI	102	.22LR
18	HAMMERLI	162	.22LR
19	HAMMERLI	280	.22LR
20	HAMMERLI	280	.32 S&W LONG
21	HAMMERLI	FP10	.22LR
22	HAMMERLI	MP33	.22LR
23	HAMMERLI	SP20	.22LR
24	HAMMERLI	SP20	.32 S&W LONG
25	MORINI	CM102E	.22LR
26	MORINI	22M	.22LR
27	MORINI	32M	.32 S&W LONG
28	MORINI	CM80	.22LR
29	PARDINI	GP	.22 SHORT
30	PARDINI	GPO	.22 SHORT
31	PARDINI	GP-SCHUMANN	.22 SHORT
32	PARDINI	HP	.32 S&W LONG
33	PARDINI	K22	.22LR
34	PARDINI	MP	.32 S&W LONG
35	PARDINI	PGP75	.22LR
36	PARDINI	SP	.22LR
37	PARDINI	SPE	.22LR
38	SAKO	FINMASTER	.22LR
39	STEYR	FP	.22LR
40	VOSTOK	IZH NO. 1	.22LR

1	VOSTOK	MU55	.22LR
2	VOSTOK	TOZ35	.22LR
3	WALTHER	FP	.22LR
4	WALTHER	GSP	.22LR
5	WALTHER	GSP	.32 S&W LONG
6	WALTHER	OSP	.22 SHORT
7	WALTHER	OSP-2000	.22 SHORT

(3) The department shall create a program that is consistent with the purpose stated in paragraph (1) to exempt new models of competitive firearms from this chapter. The exempt competitive firearms may be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or may be based on the recommendation or rules of any other organization that the department deems relevant.

(i) The sale, loan, or transfer of any semiautomatic pistol that is to be used solely as a prop during the course of a motion picture, television, or video production by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.